

Notice of Allowability

Application No.

10/634,443

Applicant(s)

SELLARS, NEIL G.

Examiner

Art Unit

Sing P. Chan

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on September 25, 2007.
2. ☒ The allowed claim(s) is/are 40-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10/22/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William J. McNichol, Jr. on November 26, 2007.

The application has been amended as follows:

Claim 52. (currently amended) A ~~label~~ method for labeling an object, said ~~label~~ method comprising:

providing a substantially planar member having oppositely disposed first and second surfaces, a length, ~~a length axis along said length~~, a first end, a second end, a first portion having a top edge and a bottom edge, and a second portion having a top edge and a bottom edge;

wherein said first and second ends are located at opposite ends along said length axis; and

wherein said first portion is adjacent to said first end and said second portion is adjacent to said second end; and

wherein said length is greater than a periphery of said object; and

wherein said top and bottom edges of said first portion are parallel, and said top and bottom edges of said second portion are parallel, and said top and bottom edges of

said first portion are at an oblique angle to said top and bottom edges of said second portion; and

wherein said member has printed indicia on at least a portion of said first surface and at least a portion of said second surface; and pressure sensitive adhesive applied to on at least a portion of said second surface, said pressure sensitive adhesive being suitable for affixing said label about said periphery of said object; and affixing said substantially planar member to said object.

Allowable Subject Matter

2. Claims 40-52 are allowed.

The following is an examiner's statement of reasons for allowance: The claims recite a method for applying a label to an object. The method includes providing a substantially planar member having oppositely disposed first and second surfaces, a length, a first end, a second end, a first portion having a top edge and a bottom edge, and a second portion having a top edge and a bottom edge; wherein said first and second ends are located at opposite ends along said length; wherein said first portion is adjacent to said first end and said second portion is adjacent to said second end; wherein said length is greater than a periphery of said object; wherein said top and bottom edges of said first portion are parallel, and said top and bottom edges of said second portion are parallel, and said top and bottom edges of said first portion are at an oblique angle to said top and bottom edges of said second portion; and wherein said member has printed indicia on at least a portion of said first surface and at least a portion of said second surface, and pressure sensitive adhesive on at least a portion of

said second surface, said pressure sensitive adhesive being suitable for affixing said label about said periphery of said object; and affixing said substantially planar member to said object. Atkins (GB 2,299,568) discloses a method of forming a label assembly. The method includes providing a planar member with oppositely first and second surfaces, a length greater than the periphery of the object to be label, providing a pair of notches, i.e. recess, which form a tab, applying pressure sensitive adhesive on the label assembly, and affixing the label assembly about the periphery of the object. (Page 6, line 26 to Page 7, line 5) Atkins is silent as to the label assembly includes a first and second portion with top and bottom edges of said first portion are parallel, and said top and bottom edges of said second portion are parallel, and said top and bottom edges of said first portion are at an oblique angle to said top and bottom edges of said second portion. Cillario (U.S. 4,472,895) discloses a label assembly. The assembly includes a first portion, i.e. a band or strip element (2) with a label (5), a second portion, i.e. a flap (6) (Col 1, lines 27-51), which is oriented at an oblique angle to each other (See Figures 1-3), which provide a first and second edges of different length and the second portion overlap a portion of the first portion (Col 1, lines 46-48), and the portion of the second portion before a profile (9) maintains similar width across the length of that portion (Col 1, lines 57-59 and Figures 1-3). Cillario is silent as to the length of the label with the first and second portion is greater than periphery of the object and the first and second ends are located at opposite ends along the length of the label. A search of the prior art of record did not disclose reference or references in combination with the recited features.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P. Chan whose telephone number is 571-272-1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chan Sing P.


PHILIP C. TUCKER, PH.D.
SUPERVISORY PATENT EXAMINER
ART UNIT 1791